

DINO DE LAURENTIIS CORPORATION

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NORMAN FLICKER
Vice President, Business Affairs

March 19, 1976

William M. Regan, Esq.
Regan, Goldfarb, Heller,
Wetzler & Quinn
445 Park Avenue
New York, New York 10022

Re: KING KONG ✓ *File 7-11*

Dear Mr. Regan:

I enclose herewith copy of an ad which appeared on page 2 of BOX OFFICE magazine March 15, 1976. I also enclose the back page of the magazine which appears to give further identification and information about the company offering the film.

We have learned that the film entitled THE NEW KING KONG has been offered to exhibitors by Key International at the Show A Rama convention held in Kansas City March 15 to March 18, 1976.

Insofar as we are able to determine Key International has no rights in the property or the use of the name KING KONG and obviously it would be most damaging to our film and the rights granted to us by RKO. We feel that since the picture already has been offered to exhibitors your client, RKO, should take immediate action to enjoin any further activity by the distributor.

By copy of this letter I am advising Paramount Pictures of the situation. Both Dick Zimbert and I are available to discuss this matter with you as soon as you have had an opportunity to consider it.

Sincerely yours,

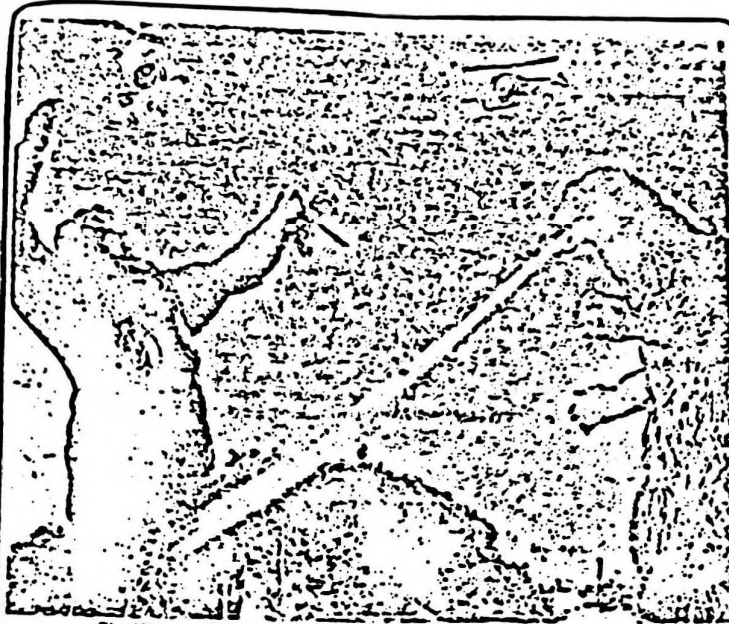
Norman S. Flicker
Norman Flicker

NF:as
Enclosures
cc & enc.:

Richard Hungate, Esq.
Arnold Kaufman
Richard Zimbert

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The King vs. Godzilla, in a 1962 appearance authorized by RKO.

King Kong pretender is sent back to the jungle

By CLAIRE COOPER
News Staff

"The New King Kong," a pretender to the throne, has been sent lumbering back into the jungle by decree of the chief judge of the Denver U.S. District Court.

Alfred A. Arraj signed an order this week permanently barring Denver-based Key International Film Distributors Inc. from muscling in on the real king's territory with a movie that wasn't authorized by RKO General Inc.

Key and RKO, producer of the original "King Kong," had agreed to the order by stipulation.

The order says Key may not advertise or distribute "The New King Kong" or do anything else that would cash in on the authentic ape's good name.

MOST OF THE problem, RKO indicated in its arguments to the court, is that the original king, now 44 years old, is alive, growing—and bringing in piles of money.

In or about 1932, RKO acquired all the rights, title and interest in and to the character "King Kong" (a giant ape), the motion picture photoplay entitled "King Kong," the title "King Kong" and all the variants on the title "King Kong," according to RKO's written arguments in the case.

In 1933, RKO produced and copyrighted the movie "King Kong," starring Fay Wray and Bruce Cabot. The copyright was renewed in 1960.

In the meantime and since, the film company spent a lot of money promoting the king, until he became "a household word and a classic motion picture" and, thus, "an extremely valuable asset to RKO."

It was not until 1962 that RKO licensed another producer to make "King Kong vs. Godzilla,"

for \$25,000 plus royalties. Later licenses commanded better prices. The most recent was issued for \$200,000 plus royalties. It permitted Paramount to remake the original "King Kong."

A NEWSPAPER advertisement for Paramount's "King Kong," printed in the Nov. 30, 1973, New York Times, promised, "There still is only one King Kong."

But because of Key's enterprise, that wasn't true. Furthermore, Key was advertising "The New King Kong" in Box Office Magazine, a national movie trade publication, as "The Greatest Kong of All." (Arraj's order specifically bars Key from advertising "Kongs.")

RKO complained to the court that "the public will be confused or deceived" and that Key "will unfairly deprive RKO of the good will and value it has built up in 'King Kong.'"

Key had planned to start distributing "The New King Kong" May 1. But at RKO's urging, Arraj issued a preliminary injunction April 12, barring Key from "committing any act which would in any manner violate the right, title and interest of RKO in and to the character King Kong."

Arraj now has made the injunction permanent.

NO REPRESENTATIVE of "The New King Kong" could be reached for comment Thursday, but Arnold Kaufman, an RKO vice president, supplied some information about the film.

It was produced in Korea, he said. There were "some Koreans in it," although the principal actors were Americans.

Kaufman described it as "a 3-D picture . . . not what you'd term a high-budget picture." Its theme, he said, was similar to that of the original "King Kong."

THE ROCKY

MOUNTAIN NEWS

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